

Message Text

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ACTION L-03

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FM AMCONSUL ASMARA

TO SECSTATE WASHDC 4103

AMEMBASSY ADDIS ABABA

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E.O. 11652:TN/A

TAGS: MARR, ET

NASUBJECT: REQUEST FOR INTERPRETATION OF 1953 AGREEMENT

1. A PROMINENT LOCAL ATTORNEY REQUESTED THE CONGEN FOR A LEGAL OPINION ON THE MEANING OF ARTICLE XVIII PARA 1 OF THE 1953 AGREEMENT BETWEEN THE U.S. AND ETHIOPIA ENTITLED UTILIZATION OF DEFENSE INSTALLATIONS WITHIN THE EMPIRE OF ETHIOPIA (TIAS 2964). THE SENTENCE IN QUESTION STATES " THE IMPERIAL GOVERNMENT OF ETHIOPIA GRANTS TO THE GOVERNMENT OF THE UNITED STATES AND ITS CONTRACTORS EXEMPTION FROM...CUSTOMS DUTIES, TAXES OR OTHER CHARGES IMPOSED ON MATERIALS, EQUIPMEMT, GOODS AND SUPPLIES BROUGHT INTO, PROCURED IN OR TAKEN OUT OF ETHIOPIA AND USED IN THE CONSTRUCTION, MAINTENANCE, SUPPORT OR OPERATION OF THE INSTALLATIONS."

2. THE ATTORNEY REPRESENTS AN ETHIOPIAN FIRM WHICH CLAIMS TO HAVE FORMERLY HELD A CONTRACT WITH THE USG TO PACK AND FORWARD HOUSEHOLD EFFECTS OF PERSONNEL STATIONED AT KAGNEW. THEREFORE THEY SEEK TO BE INCLUDED IN THE TERMS OF THIS PROVISION OF THE 1953 AGREEMENT AS "ITS (THE USG'S) CONTRACTORS." IF SUCH A DETERMINATION WERE MADE, THE FIRM COULD THEN MAKE A CASE FOR EXEMPTION OF PART OF ITS INCOME FROM ETHIOPIAN TAXES.

3. IS EMBASSY AWARE OF ANY LEGAL PRECEDENT FOR THIS DETERMINATION UNDER THE 1953 AGREEMENT? IF SO, WHAT WERE THE CIRCUMSTANCES AND

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THE OUTCOME. WE WOULD FURTHER APPRECIATE A LEGAL DETERMINATION

FROM L/T ON THE MEANING OF THIS PROVISION OF THE AGREEMENT.
SLUTZ

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Message Attributes

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